

# Uniform Complaint Procedures 2010-11

Local Education Agency \_\_\_\_\_ Reviewer \_\_\_\_\_ Date: \_\_\_\_\_

## UCP 1 – Policy and Administrative Regulations

YES	NO	Local educational agency (LEA) policies and administrative regulations were adopted and include the following:
		a. A statement that the LEA shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. [T5CCR 4620]
		b. A statement that the local agency shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints in accordance with the LEA's Uniform Complaint Procedures [T5CCR 4610, 4620, and 4621]
		c. A list of all programs and activities implemented by the district that are subject to the UCP. [T5CCR 4610]
		d. A list of civil rights guarantees (allegations of unlawful discrimination regarding actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, age or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics). [GC 11135, EC 200, EC 220, T5CCR 4610]
		e. A statement ensuring that the complainants are protected from retaliation and that the identity of a complainant alleging discrimination will remain confidential as appropriate. [T5CCR 4621]
		f. A statement identifying the person(s), employee(s), or agency position(s), or unit(s) responsible for receiving complaints, investigating complaints and ensuring LEA compliance. [T5CCR 4621]
		g. A statement ensuring the person(s), employees(s), positions(s) or unit(s) responsible for compliance and/or investigations shall be knowledgeable about the laws/programs that he/she is assigned to investigate. [T5CCR 4621]
		h. A statement advising complainants of the right to pursue civil law remedies under state or federal discrimination laws. [T5CCR 4622]
		i. A statement ensuring annual dissemination of a written notice of the LEA's complaint procedures to students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties. [T5CCR 4622]
		j. A statement that unlawful discrimination complaints shall be filed no later than six months from the date the alleged discrimination occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination. [T5CCR 4630]
		k. A statement that the LEA will provide an opportunity for complainants and/or representatives to present evidence or information. [T5CCR 4631]
		l. A statement that refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. [T5CCR 4631]
		m. A statement ensuring that refusal by the LEA to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. [T5CCR 4631]
		n. A statement that the LEA complaint will be investigated and a written report issued to the complainant within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time. [T5CCR 4631]
		o. The report will contain the following elements: [T5CCR 4631]
		i. The findings of fact based on the evidence gathered.
		ii. Conclusion of law.
		iii. Disposition of the complaint.
		iv. The rationale for such a disposition.
		v. Corrective actions, if any are warranted.
		vi. Notice of the complainant's right to appeal the LEA's Decision to CDE.
		vii. Procedures to be followed for initiating an appeal to CDE.

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## UCP 2 – Annual Notice

Employees		Students		Parents and/or Guardians		Advisory Committees		Private School Officials		Other Interested Parties (e.g. Adult Education)		Annual written notice of the complaint procedures is provided to all six groups listed to the left. This notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the Education Code. The annual notice includes the following: [EC 231.5, T5CCR 4621 - 4631]
YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	
												a. A statement that the local agency is primarily responsible for compliance with federal and state laws and regulations. [T5CCR 4620]
												b. A statement identifying the responsible staff member, position, or unit designated to receive complaints. [T5CCR 4621, 4622]
												c. A statement that the complainant has a right to appeal the local agency decision to the CDE by filing a written appeal within 15 days of receiving the LEA Decision. [T5CCR 4622, 4632]
												d. A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination laws, if applicable, and of the appeal pursuant to Education Code Section 262.3 [EC 262.3, T5CCR 4622]
												e. A statement that copies of the local educational agency complaint procedures shall be available free of charge. [T5CCR 4622]

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## UCP 3 - Implementation

UCP 3 applies to the filing, investigation and resolution of complaints regarding alleged violation of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination, according to T5CCR 4600 – 4671. UCP 3 does not cover Williams Complaints according to T5CCR 4680-4687 regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments.

For both on-site and desk reviews:

YES	NO	Evidence of proper implementation of the investigation process:
		a. The LEA is asked if they received any UCP complaints during the past 12 months. (If the LEA has not received any UCP complaints, mark the "No" box in this section, then sign and date this checklist without reviewing sections b-k. If the LEA has received any UCP complaints with in the past 12 months, mark the "yes" box and continue reviewing sections b-k.)
YES	NO	A random selection of UCP complaint files will be reviewed either by the Team Lead during an on-site review or by a Consultant in the Categorical Complaints Management office at the Department of Education during a desk review:
		b. The six-month timelines were met for filing discrimination complaints. [T5CCR 4630]
		c. The investigative process allowed the complainants and/or representatives the opportunity to present evidence. [T5CCR 4631]
		d. A written Decision was sent to the complainant within the 60-day time line or the time was extended by written agreement of the complainant. [T5CCR 4631]
		A random selection of LEA Decisions shall contain the following:
		e. The findings of fact based on the evidence gathered.[T5CCR 4631]
		f. Conclusion of law. [T5CCR 4631]
		g. Disposition of the complaint. [T5CCR 4631]
		h. The rationale for such a disposition. [T5CCR 4631]
		i. Corrective actions, if any are warranted. [T5CCR 4631]
		j. Notice of the complainant's right to appeal the LEA's Decision to CDE. [T5CCR 4631]
		k. Procedures to be followed for initiating an appeal to CDE. [T5CCR 4631]

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## UCP 4 – Williams Complaints Policies and Procedures

An LEA is required to use its Uniform Complaint Procedures (UCP) process to help identify and resolve any deficiencies related to instructional materials, teacher vacancy or misassignment, and the condition of a facility that is not maintained in a clean and safe manner and in good repair, and emergency or urgent facilities conditions that pose a threat to the health and safety of the pupils or staff as defined in paragraph (1) of subsection (c) of E.C Section 17592.72 and any other emergency conditions the school district determines appropriate and the requirements established pursuant to subdivision (a) of EC Section 35292.5. The UCP will apply to all schools in all deciles. An LEA is required to establish local policies and procedures, post notices, and implement this legislation on or before January 1, 2005 that include the following: [EC 35186, T5CCR 4684]

YES	NO	LEA policies and procedures include the following statements:
		a. Williams Complaints shall be filed with the principal of the school or his or her designee, in which the complaint arises. [EC 35186(a)(3), T5CCR 4680]
		b. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but not to exceed 10 working days, to the appropriate school district official for resolution. [EC 35186(a)(3), T5CCR 4680]
		c. Williams Complaints may be filed anonymously. [EC 35186(a)(1), T5CCR 4680]
		d. If a response is requested, the response shall be made to the mailing address of the complainant indicated on the complaint. [EC 35186(a)(1), T5CCR 4680]
		e. If Section 48985 of the Education Code is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. [EC 35186(a)(1)]
		f. The school shall have a complaint form available for such Williams Complaints. [EC 35186(a)(1), T5CCR 4680]
		g. The Williams Complaint form shall identify the place for filing the complaint, [EC 35186(a)(2), T5CCR 4680]
		h. The Williams Complaint form will include a space to indicate whether a response is requested. [EC 35186(a)(1), T5CCR 4680]
		i. The complainant need not use the Williams Complaint form to file a complaint. [T5CCR 4680]
		j. The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. [EC 35186(b), T5CCR 4685]
		k. The principal, or, where applicable, district superintendent or his or her designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. [EC 35186(b), T5CCR 4685]
		l. The principal, or where applicable, district superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response. [EC 35186(b), T5CCR 4685]
		m. If the principal makes this report, the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee. [T5CCR 4685]
		n. A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the governing board. [EC 35186(c), T5CCR 4686]
		o. The school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. [EC 35186(d), T5CCR 4686]
		p. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. [EC 35186(d), T5CCR 4686]
		q. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. [EC 35186(d), T5CCR 4686]
		r. The complaints and responses shall be available as public records. [EC 35186(d), T5CCR 4686]
YES	NO	LEA policies and procedures include the following statements on how to file an appeal regarding facilities complaints to the State Superintendent: [T5CCR 4687]
		s. A complainant who is not satisfied with the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of EC Section 17592.72, has the right to file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the report. [T5CCR 4687]
		t. The complainant shall comply with the appeal requirements of T5CCR 4632. [T5CCR 4687]

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## UCP 5 – Williams Complaints Classroom Notice

YES	NO	A notice shall be posted in each classroom in each school in the school district, and include the following statements: [EC 35186(f), T5CCR 4684]
		a. The notice shall address parents, guardians, pupils, and teachers. [EC 35186(f)]
		b. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home. [EC 35186(f)(1), T5CCR 4684]
		c. School facilities must be clean, safe, and maintained in good repair. [EC 35186(f)(2), T5CCR 4684]
		d. There should be no teacher vacancies or misassignments. [EC 35186(f)(3), T5CCR 4684]
		e. Intensive instruction and services are provided to pupils who have not passed one or both parts of the high school exit examination at the end of grade 12. [EC 35186(f)(4)] <b>Note for district staff: This requirement shall only be included in notices posted in classrooms in schools with grades 10 to 12 within school districts who receive intensive instruction funds, subject to SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code Section 42605, and/or existing contract or bargaining agreements that the district may have in place.</b>
		f. The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Web site of the CDE shall satisfy this requirement. [EC 35186(f)(5), T5CCR 4684]

*Note: Each Williams Complaints Classroom notice must be exactly the same as in each classroom and must be exactly the same as the sample that is posted on CAIS*

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## UCP 6 – Williams Complaints Form

YES	NO	<b>The LEA UCP form for complaints concerning deficiencies related to instructional materials, teacher vacancy or misassignments, and conditions of facilities that are not maintained in a clean or safe manner or in good repair, include the following sections:</b>
		a. A section to indicate if a response is requested. [EC 35186(a)(1), T5CCR 4680]
		b. A section for contact information including mailing address should a response be requested. [T5CCR 4680]
		c. A section to identify the location of the problem including school name, school address and room number or location, if applicable. [T5CCR 4681 - 4683]
		d. A section to identify the course or grade level, if applicable. [T5CCR 4681; T5CCR 4682]
		e. A section where the complainant describes the specific nature of the complaint in detail. [T5CCR 4681; T5CCR 4682; T5CCR 4683]
		f. A statement that the complainant may include as much text as the complainant feels is necessary. [EC 35186(a)(2), T5CCR 4682; T5CCR 4683]
		g. A statement identifying where to file the complaint. [EC 35186(a)(2), T5CCR 4680]
YES	NO	<b>The LEA UCP form for complaints concerning deficiencies related to instructional materials include sections identifying the following allegations:</b>
		h. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional materials to use in class. [EC 35186(e)(1)(A), T5CCR 4681]
		i. A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil. [EC 35186(e)(1)(B), T5CCR 4681]
		j. Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage. [EC 35186(e)(1)(C), T5CCR 4681]
		k. A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials. [T5CCR 4681]
YES	NO	<b>The LEA UCP form for complaints concerning deficiencies related teacher vacancy or misassignments include the following sections to identify the following allegations:</b>
		l. A semester begins and a teacher vacancy exists. (A position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester). [EC 35186(e)(2)(A), T5CCR 4682]
		m. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class. [EC 35186(e)(2)(B)T5CCR 4682]
		n. A teacher is assigned to teach a class for which the teacher lacks subject matter competency. [EC 35186(e)(2)(C), T5CCR 4682]
YES	NO	<b>The LEA UCP form for complaints concerning deficiencies related to conditions of facilities that are not maintained in a clean or safe manner or in good repair include the following sections to identify the following allegations:</b>
		o. A condition poses an urgent or emergency threat to the health or safety of students or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate. [EC 17592.72, T5CCR 4683]
		p. A school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. [EC 35292.5(a)(1)]
		q. The school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary closing of the restroom is necessary for pupil safety or to make repairs. [EC 35292.5]
YES	NO	<b>At schools with grades 10 to 12, at districts who receive intensive instruction funds, the LEA Williams Complaints form for complaints concerning deficiencies related to intensive instruction and services provided to pupils who have not passed one or both parts of the high school exit examination after the completion of grade 12 subject to SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code Section 42605, and/or existing contract or bargaining agreements that the district may have in place include the following sections to identify the following allegations:</b>
		r. Intensive instruction and services were not provided pursuant to Ed. Code Section 37254 to pupils who have not passed one or both parts of the high school exit examination after the completion of grade 12. [Ed. Code 35186(a)(4), EC 35186(e)(4), EC 35186(f)(4)]